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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,471

07/17/2002

Jeffrey Rahn

107153

7900

27074

7590

09/15/2004

OLIFF & BERRIDGE, PLC.

P.O. BOX 19928

ALEXANDRIA, VA 22320

EXAMINER

HO, ALLEN C

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

SEP 21 2004

TECH CENTER 2800

RECEIVED

SEP 20 2004

OIPE/JCWS

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
RECEIVED

SEP 17 2004

DOCKETED

## Office Action Summary

Application No.

10/064,471

Applicant(s)

RAHN, JEFFREY

Examiner

Allen C. Ho

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2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 4-17 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) An embodiment of the imaging system comprising a pixel circuitry corresponding to Fig. 4.
- (2) An embodiment of the imaging system comprising a pixel circuitry corresponding to Fig. 5.
- (3) An embodiment of the imaging system comprising a pixel circuitry corresponding to Fig. 6.
- (4) An embodiment of the imaging system comprising a pixel circuitry corresponding to Fig. 7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the

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limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with David E. Brown (Reg. No. 51,091) on 02 September 2004 a provisional election was made with traverse to prosecute the invention of the embodiment corresponding to Fig. 3, claims 1-3. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### *Claim Objections*

3. Claim 1 is objected to because of the following informalities:

- (1) Line 4, "to the" should be replaced by --an--.
- (2) Line 4, --to the-- should be inserted between "image" and "two-dimensional".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fossum *et al.* (U. S. Patent No. 5,841,126).

With regard to claim 1, Fossum *et al.* disclosed an imaging system, comprising: an input device (300) that includes a pixel device (Fig. 1) which further includes a sensor (100) that provides an electronic signal that represents an image, at least one transistor (106) connected to the sensor; and a controller (302), the electronic signal provided by the sensor and controlled by the controller so that the electronic signal is either stored in a first capacitor (114), or is stored in a second capacitor (118).

However, Fossum *et al.* failed to teach that the imaging system further comprises a two-dimensional array of pixels, and the electronic signal representing an image is provided to the two-dimensional array of pixels.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an output device (*e. g.*, a display) that comprises a two-dimensional array of pixels, since a person would be motivated to view the image detected by the imaging system.

With regard to claim 2, Fossum *et al.* disclosed the imaging system according to claim 1, the pixel device further comprising: a plurality of transistors (116, 120) and at least two control

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signals, one of the at least two control signals controlling one of the plurality of transistors so that the electronic signal is stored in the first capacitor (column 3, lines 9-11), and the other one of the at least two control signals controlling another one of the plurality of transistors so that the electronic signal is stored in the second capacitor (column 3, lines 16-17).

With regard to claim 3, Fossum *et al.* disclosed the imaging system of claim 2, wherein the first capacitor is independently active for greater than 10 microseconds. This claim fails to set forth additional structural limitation. Accordingly, it is rejected with claim 2.

### ***Response to Arguments***

6. Applicant's arguments filed 16 June 2004 have been fully considered but they are not persuasive.

The applicant argues that Fossum *et al.* failed to teach a sensor providing an electronic signal, and the electronic signal in 112 in Fig. 1 does not come from a sensor. The examiner respectively disagrees. Fossum *et al.* clearly disclosed a sensor (100) that converts incident photons into electrons (column 2, line 66 - column 3, line 1). Furthermore, the charge stored as a result of this conversion is read out via the column bus (112) and transferred to one of the holding capacitors (column 3, lines 7-12).

Accordingly, the rejection is being maintained.

7. Applicant's arguments filed 16 June 2004 with respect to claims 1-5, 8, 12, 13, and 15 have been fully considered and are persuasive. The rejection of claims 1-5, 8, 12, 13, and 15 under 35 U.S.C. 102(b) over Chen (U. S. Patent No. 5,901,257) has been withdrawn.

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*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen C. Ho  
Patent Examiner  
Art Unit 2882